

Young, Ryan

From: Pham, Christopher
Sent: Friday, January 31, 2020 10:33 AM
To: Heather Kliebenstein; Fleming, Terrence; Rockhill, Michelle; Allen Hinderaker
Cc: Janus, Leah; Hokans, Christian; Young, Ryan; Joe Dubis, Ph.D.;
'15081.0008USZA.active@ef.merchantgould.com'
Subject: RE: Fair Isaac Corp. v. Federal Insurance Co. et al.

Heather,

Federal does not consent to allowing Mr. Sacco access to Confidential – AEO information, and therefore, plans to file its Motion for Protective Order by Friday, Feb. 7.

Thank you,

Christopher D. Pham
Shareholder
Fredrikson & Byron, P.A.
612.492.7388
cpham@fredlaw.com
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402-1425

From: Heather Kliebenstein <HKliebenstein@merchantgould.com>
Sent: Friday, January 31, 2020 9:42 AM
To: Fleming, Terrence <TFleming@fredlaw.com>; Rockhill, Michelle <MRockhill@fredlaw.com>; Allen Hinderaker <AHinderaker@merchantgould.com>
Cc: Janus, Leah <LJanus@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Hokans, Christian <CHokans@fredlaw.com>; Young, Ryan <RYoung@fredlaw.com>; Joe Dubis, Ph.D. <JDubis@MerchantGould.com>; '15081.0008USZA.active@ef.merchantgould.com' <15081.0008usza.active@ef.merchantgould.com>
Subject: RE: Fair Isaac Corp. v. Federal Insurance Co. et al.

[EXTERNAL E-MAIL]

Terry,

Thanks for the call yesterday on this issue. In our meet and confer, you stated you were going to provide me with Federal's final position regarding Mr. Sacco. Further, if Federal was not going to consent to allowing Mr. Sacco to see confidential and AEO information, you were going to provide me with a date on which Federal would file its motion for a protective order. Please advise regarding timing of this information.

Best,

Heather

EXHIBIT 4

From: Fleming, Terrence <TFleming@fredlaw.com>
Sent: Wednesday, January 29, 2020 2:41 PM
To: Heather Kliebenstein <HKliebenstein@merchantgould.com>; Rockhill, Michelle <MRockhill@fredlaw.com>; Allen

Hinderaker <AHinderaker@merchantgould.com>

Cc: Janus, Leah <LJanus@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Hokans, Christian <CHokans@fredlaw.com>; Young, Ryan <RYoung@fredlaw.com>; Joe Dubis, Ph.D. <JDubis@MerchantGould.com>
Subject: RE: Fair Isaac Corp. v. Federal Insurance Co. et al.

CAUTION - External.

Heather,

Yes we are available for a meet and confer tomorrow between 10:30 a.m. – 1 p.m. Please call me at 612-492-7496.

Terry



Terrence J. Fleming
Shareholder

tfleming@fredlaw.com
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
612-492-7496 Phone
612-492-7077 Fax

Brenda Haberman
Legal Assistant/Paralegal
612-492-7678
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From: Heather Kliebenstein <HKliebenstein@merchantgould.com>
Sent: Wednesday, January 29, 2020 11:36 AM
To: Rockhill, Michelle <MRockhill@fredlaw.com>; Allen Hinderaker <AHinderaker@merchantgould.com>
Cc: Janus, Leah <LJanus@fredlaw.com>; Fleming, Terrence <TFleming@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Hokans, Christian <CHokans@fredlaw.com>; Young, Ryan <RYoung@fredlaw.com>; '15081.0008USZA.active@ef.merchantgould.com' <15081.0008usza.active@ef.merchantgould.com>; Joe Dubis, Ph.D. <JDubis@MerchantGould.com>
Subject: RE: Fair Isaac Corp. v. Federal Insurance Co. et al.

[EXTERNAL E-MAIL]

Leah, thank you for your letter. We have taken a look at the Protective Order and the case law, and Federal's objection to disclosure of information to Mr. Brian Sacco is without merit. Federal has stated no reason to believe that Mr. Sacco, who agreed to be bound by the protective order and signed the Written Assurances, will compromise any of Federal's confidential information. Federal's only attempt at a justification for objecting is that Mr. Sacco has not previously been identified. Indeed, this is always the case with experts who may not receive any information until they have first been

disclosed. For clarification, we intend to use Mr. Sacco as a consulting expert and not a testifying expert to help us understand the contents of Federal's recent rules production. Federal refused to allow any FICO individuals to review the rules, thus we have hired Mr. Sacco to assist our review.

Please advise if you are available today between 3-5 or tomorrow between 10:30-1 or 3-5 for a meet and confer.

Best,

Heather

From: Rockhill, Michelle <MRockhill@fredlaw.com>

Sent: Thursday, January 23, 2020 4:02 PM

To: Heather Kliebenstein <HKliebenstein@merchantgould.com>; Allen Hinderaker <AHinderaker@merchantgould.com>

Cc: Janus, Leah <LJanus@fredlaw.com>; Fleming, Terrence <TFleming@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Hokans, Christian <CHokans@fredlaw.com>; Young, Ryan <RYoung@fredlaw.com>

Subject: Fair Isaac Corp. v. Federal Insurance Co. et al.

CAUTION - External.

Ms. Kliebenstein,

Attached is correspondence from Leah Janus.

- Michelle

Michelle E. Rockhill | Legal Administrative Assistant to Leah C. Janus | Fredrikson & Byron, P.A.

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